



**BellSouth Telecommunications, Inc.**  
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September 14, 2001  
EXECUTIVE SECRETARY

**Joelle J. Phillips**  
Attorney

615 214 6311  
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VIA HAND DELIVERY

David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition of MCI WorldCom to Enforce Interconnection Agreement with  
BellSouth*  
Docket No. 99-00662

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Motion for Brief Extension of Hearing Schedule. Copies of the enclosed are being provided to counsel of record.

Cordially,



Joelle Phillips

JJP:ch

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

**In Re:**        ***Petition of MCI WorldCom to Enforce Interconnection Agreement with BellSouth***

**Docket No. 99-00662**

**MOTION FOR BRIEF EXTENSION OF HEARING SCHEDULE**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully requests a brief extension of the hearing date established in this docket and respectfully shows the Hearing Officer as follows:

1. At the regularly scheduled Agenda Conference on Tuesday, September 11, a hearing was scheduled to resolve billing disputes between BellSouth and MCImetro. The hearing was scheduled for Tuesday, September 25 immediately following the Agenda Conference on that date.

2. Prior to that time, on June 28, 2001, the Florida Public Service Commission scheduled a hearing for 9:00 a.m. on Wednesday, September 26, at which several BellSouth witnesses will be required to testify in Tallahassee, Florida. (A true and correct copy of the Florida Public Service Commission Scheduling Order is attached as Exhibit "A." See Scheduling Order at page 2). BellSouth has learned that witnesses who will participate in that hearing are the same witnesses who are knowledgeable with respect to the disputes in this docket and who BellSouth intends to call as witnesses in this matter. These witnesses had planned

to be in Tallahassee not later than Tuesday, September 25, 2001, in order to participate in final preparation on Tuesday for the hearing on Wednesday.

3. BellSouth also believes that it will not be practically feasible for these witnesses to participate in the previously scheduled Florida Public Service Commission proceeding on Wednesday, September 26<sup>th</sup> unless they are able to travel to Tallahassee on or before the date of Tuesday, September 25<sup>th</sup>. The Florida hearing is scheduled to begin at 9:00 a.m. on Wednesday, September 26<sup>th</sup>, and BellSouth believes the TRA hearing on September 25<sup>th</sup> would not be likely to conclude before early afternoon, at the earliest, and may run later, depending on the length of the Agenda Conference preceding it. In light of the recently-imposed changes regarding airport check-in requiring passengers to arrive at the airport at least three hours prior to scheduled flights, BellSouth believes this schedule would not provide the witnesses with adequate time to travel from Tennessee to Tallahassee on Tuesday, September 25<sup>th</sup>. (A true and correct copy of a memo provided by Carlson Wagonlit Travel is attached as Exhibit "B." See new security guidelines). Moreover, BellSouth is concerned that, by that date, flight schedules may not have yet returned to normal, and this may also present difficulty in enabling these witnesses to arrange air travel permitting them to meet both hearing schedules with such little time between the hearings.

4. BellSouth has confirmed that the witnesses are available on any day during the following week of October 1<sup>st</sup> through October 5<sup>th</sup>, and BellSouth proposes that this hearing be scheduled for the "fishbowl room", if necessary, in

order to accommodate other conflicting hearings scheduled for the Hearing Room during that week. BellSouth is similarly prepared to agree to whatever other scheduling arrangements need be made in order to facilitate a hearing during that week.

5. Counsel for BellSouth has conferred with counsel for MCImetro regarding this conflict, and counsel for MCImetro has authorized BellSouth to represent that MCImetro does not oppose this request to reschedule the hearing until the following week of October 1 through 5.

For the foregoing reasons, BellSouth respectfully requests that the hearing scheduled for Tuesday, September 25 be rescheduled to any day during the following week of October 1 through 5.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A handwritten signature in dark ink, appearing to read "Guy M. Hicks", is written over a horizontal line.

Guy M. Hicks

Joelle Phillips

333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301

R. Douglas Lackey  
E. Earl Edenfield  
675 W. Peachtree Street, Suite 4300  
Atlanta, Georgia 30375

**EXHIBIT "A"**

**WARNING:**

*Changes in appearance and in display of formulas, tables, and text may have occurred during translation of this document into an electronic medium. This HTML document may not be an accurate version of the official document and should not be relied on.*

*For an official paper copy, contact the Florida Public Service Commission at [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us) or call (850) 413- 6770. There may be a charge for the copy.*

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## BEFORE THE FLORIDA PUBLIC SERVICE

### COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.      DOCKET NO. 001305-TP  
ORDER NO. PSC-01-1401-PCO-TP  
ISSUED: June 28, 2001

### ORDER ESTABLISHING PROCEDURE

On September 1, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc (Supra). Supra filed its response, and this matter was set for hearing.

Part II of the Federal Telecommunications Act of 1996 (Act) sets forth provisions regarding the development of competitive markets in the telecommunications industry. Section 251 of the Act regards interconnection with the incumbent local exchange carrier, and Section 252 sets forth the procedures for negotiation, arbitration, and approval of agreements.

Section 252(b) addresses agreements arrived through compulsory arbitration. Specifically, Section 252(b)(1) states:

(1) Arbitration. - During the period from the 135th to 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

Section 252(b)(4)(C) states that the State commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on which the local exchange carrier received the request under this section. The parties have, however, waived the nine-month requirement of Section 252(b)(4)(C).

This Order is issued pursuant to the authority granted by Rule 28-106.211, *Florida Administrative Code*, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Section 252(b)(4)(A) provides that this Commission shall limit its consideration of any petition to the issues set forth in the petition and in the response, if any. The hearing will be conducted according to the provisions of Chapter 120, *Florida Statutes*, and all administrative rules applicable to this Commission.

### Discovery

When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

The hearing in this docket is set for Wednesday, September 26, 2001 through Friday, September 28, 2001. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by Wednesday, September 19, 2001. All interrogatories, requests for admissions, and requests for production of documents shall be numbered sequentially in order to facilitate their identification. The discovery requests will be numbered sequentially within a set, and any subsequent discovery requests will continue the sequential numbering system. Pursuant to Rule 28-106.206, *Florida Administrative Code*, unless subsequently modified by the Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to 250, and requests for production of documents, including all subparts, shall be limited to 150.

Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), *Florida Statutes*, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time period set forth in Section 364.183(4), *Florida Statutes*.

### Diskette Filings

See Rule 25-22.028(1), *Florida Administrative Code*, for the requirements of filing on diskette for certain utilities.

### Prefiled Testimony and Exhibits

Each party shall prefile, in writing, all testimony that it intends to sponsor. Such testimony shall be typed on 8 1/2 inch x 11 inch transcript-quality paper, double spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

Each exhibit intended to support a witness' prefiled testimony shall be attached to that witness' testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1. All other known exhibits shall be marked for identification at the prehearing conference. After an opportunity for opposing parties to object to introduction of the exhibits and to cross-examine the witness sponsoring them, exhibits may be offered into evidence at the hearing. Exhibits accepted into evidence at the hearing shall be numbered sequentially. The pages of each exhibit shall also be numbered sequentially prior to filing with the Commission.

An original and 15 copies of all testimony and exhibits shall be prefiled with the Director, Division of Records and Reporting, by the close of business, which is 5:00 p.m., on the date due. A copy of all prefiled testimony and exhibits shall be served by mail or hand delivery to all other parties and staff no later than the date filed with the Commission. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony.

### Prehearing Statement

All parties in this docket shall file a prehearing statement. Staff will also file a prehearing statement. The original and 15 copies of each prehearing statement shall be prefiled with the Director of the Division of Records and Reporting by the close of business, which is 5:00 p.m., on the date due. A copy of the

prehearing statement shall be served on all other parties and staff no later than the date it is filed with the Commission. Failure of a party to timely file a prehearing statement shall be a waiver of any issue not raised by other parties or by the Commission. In addition, such failure shall preclude the party from presenting testimony in support of its position. Such prehearing statements shall set forth the following information in the sequence listed below:

- (a) The name of all known witnesses that may be called by the party, and the subject matter of their testimony;
- (b) a description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue and the party's position on each such issue;
- (f) a statement of each policy question the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue;
- (g) a statement of issues that have been stipulated to by the parties;
- (h) a statement of all pending motions or other matters the party seeks action upon;  
a statement identifying the parties' pending requests or claims for confidentiality;
- (j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore; and
- (k) a statement identifying any decision or pending decision of the FCC or any court that has or may either preempt or otherwise impact the Commission's ability to resolve any of the issues presented or the relief requested in this matter.

#### Prehearing Conference

Pursuant to Rule 28-106.209, *Florida Administrative Code*, a prehearing conference will be held Wednesday, September 5, 2001 at the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida. Any party who fails to attend the prehearing conference, unless excused by the Prehearing Officer, will have waived all issues and positions raised in that party's prehearing statement.

#### Prehearing Procedure: Waiver of Issues

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: it was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issue; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, it shall bring that fact to the attention of the Prehearing Officer. If the Prehearing Officer

finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify its position in a post-hearing statement of issues. In the absence of such a finding by the Prehearing Officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in its post-hearing statement.

#### Document Identification

Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness's name, the word "Exhibit" followed by a blank line for the exhibit number and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

Docket No. 12345-TL

J. Doe Exhibit No. \_\_\_\_\_

Cost Studies for Minutes of Use by Time of Day

#### Controlling Dates

The following dates have been established to govern the key activities of this case.

- |                                    |                       |
|------------------------------------|-----------------------|
| 1) Direct testimony and exhibits   | July 18, 2001         |
| 2) Rebuttal testimony and exhibits | August 8, 2001        |
| 3) Prehearing Statements           | August 22, 2001       |
| 4) Prehearing Conference           | September 5, 2001     |
| 5) Hearing                         | September 26-28, 2001 |
| 6) Briefs                          | October 26, 2001      |

#### Use of Confidential Information At Hearing

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, *Florida Statutes*, to protect proprietary confidential business information from disclosure outside the proceeding. Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, *Florida Statutes*, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute. Failure of any party to comply with the seven-day requirement described above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material. Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so. At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting's confidential files.

#### Post-Hearing Procedure

Each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, *Florida Administrative Code*, a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages, and shall be filed at the same time.

Based upon the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 28th day of June, 2001.

/s/ Michael A. Palecki

MICHAEL A. PALECKI

Commissioner and Prehearing Officer

*This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.*

( S E A L )

WDK

#### NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), *Florida Statutes*, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, *Florida Statutes*, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, *Florida Administrative Code*, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, *Florida Administrative Code*, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, *Florida Administrative Code*. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

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*This document was automatically converted to HTML using a program custom-written by the FPSC. If*

09/14/01 10:19

Order PSC-01-1401-PCO-TP Issued by the Florida Public Service Commission <http://www.psc.state.fl.us/dockets/documents/01/08026-01.html>

*you have any questions or comments regarding this conversion, you can send e-mail to the programmers  
Allison Orange and Chip Orange.*

**EXHIBIT "B"**

# HOT NEWS!

*Urgent News Affecting Corporate Travel Programs*

*September 13, 2001, 12:30 p.m. E.D.T.*

*7<sup>th</sup> in a series of communications*



## NEW SECURITY GUIDELINES ANNOUNCED FOR AIR TRAVEL

*Please send this message to all travelers ASAP today.*

The Federal Aviation Administration (FAA) is slowly lifting its ban on all commercial airline travel in the United States today and has announced new security guidelines for air travel, effective immediately.

**However, travelers should not expect an immediate return to normally scheduled air service.** Each airline will resume service as soon as their equipment and personnel are in proper position. This is expected to take several days.

The FAA is implementing the new security guidelines for air travel in a two-phased approach. Effective immediately, the following guidelines are in effect for passengers; but are subject to change as the long-term requirements are assessed. The FAA is updating this information twice daily, and individual airports are permitted to implement even more stringent security procedures as necessary.

### **New security guidelines:**

- Travelers need to arrive at the airport **at least three hours** prior to their scheduled flights.
- **Cars will not be permitted** in the immediate airport vicinity, and tow trucks will be positioned to immediately remove unmanned vehicles. Passengers are encouraged to use public transportation, taxi services, or to have a family member or friend drop them off at the airport.
- **No off-airport, curbside, Internet, or gate check-in will be permitted.**
- **Check-in will be permitted at ticketing counters only** — this requirement **includes e ticket** passengers who have no baggage to check.
- **All checked baggage and carry-on bags are subject to search.** There will be an increased number of thorough bag searches; and cargo packages will be treated the same as passenger baggage.
- There will be an **increased number of security personnel** in airports, and presence of Federal Air Marshals will be increased.
- **Only ticketed passengers will be permitted in secured areas** (past metal detectors) in the airport.
- **Passengers should expect random searches** and repeated requests for identification.
- **Personal aircraft are not yet permitted** in U.S. airspace.

*(Sources: FAA press conference, major airport and airline websites, CNN.)*

**Please Note:** Travel information is changing rapidly. Carlson Wagonlit Travel will continue to monitor the situation and provide updates on a regular basis throughout this crisis.

**If you have any questions about the information contained in this Hot News, please contact your Carlson Wagonlit client services representative.**

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ Mail
- ☒ Facsimile
- ☐ Overnight

Henry Walker, Esquire  
Boult, Cummings, et al.  
414 Union Ave., #1600  
P. O. Box 198062  
Nashville, TN 39219-8062

A handwritten signature in black ink, appearing to read "J. Walker", is written over a horizontal line.